

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 19-0278 FMO (SHKx)	Date	January 2, 2020
Title	Ecology Recycling Services, LLC, <u>et al.</u> v. Engineering/Remediation Resources Group, Inc. <u>et al.</u>		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Cheryl Wynn	None Present		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **January 31, 2020**, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of:

- X Proof of service of summons and third amended complaint upon the following defendant:
United States of America
- X An answer by the following defendant:
United States of America
- X Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a):
United States of America

on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

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